IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6592 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

PARAG SHANTILAL SHAH

Versus

STATE OF GUJARAT

Appearance:

MR AJAY S JAGIRDAR for Petitioner

MR HH PATEL APP for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 15/11/2000

ORAL JUDGEMENT

1. RULE. Learned A.P.P. Mr.H.H.Patel waives service of Rule. At the request of both the learned counsel for the parties, this application is heard and disposed today.

2. By the present application, the petitioner has prayed for temporary bail for a period of 30 days on the ground of imminent operation required to be performed upon his wife. The learned A.P.P. has submitted the report of inquiry which confirms that the wife of the petitioner is proposed to be operated on 16.11.2000 and that hospitalization for a further period of seven days is advised. It is submitted on behalf of the petitioner that at the time of operation and for the purpose of arranging funds, the presence of the petitioner is required.

3. In view of the above facts and circumstances, the application is allowed. The petitioner is ordered to be enlarged on temporary bail upto 30.11.2000 from the date of his release on his executing a bond of Rs.5,000/- (rupees five thousand) with one surety of the like amount before the jail authority or in the alternative on his depositing the said amount in cash with the jail authority and executing a personal bond thereof; and further on condition that he shall reside within the local limits of Ahmedabad Municipal Corporation; give his residential address to the jail authority and shall surrender back to the custody latest by 1400 hours on 30.11.2000, failing which it would be open to the jail authority to forfeit the bond amount and initiate any action against him within its competence. Rule accordingly made absolute. Direct Service permitted.

Sd/-
15.11.2000 (D.H.Waghela, J.)
(KMG Thilake)